

# HOUSE BILL No. 5294

October 12, 2005, Introduced by Reps. Hune, Gosselin and Drolet and referred to the Committee on Government Operations.

A bill to amend 1921 PA 207, entitled  
"City and village zoning act,"  
by amending section 7 (MCL 125.587), as amended by 2003 PA 320.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1        Sec. 7. (1) A building erected, altered, razed, or converted ~~7~~  
2        or a use carried on in violation of a ~~local ordinance or~~  
3        ~~regulation adopted pursuant to this act~~ **CITY OR VILLAGE ZONING**  
4        **ORDINANCE** is a nuisance per se. The court shall order the nuisance  
5        abated, and the owner or agent in charge of the building or land,  
6        or both the owner and the agent, ~~are~~ **IS** liable for maintaining a  
7        nuisance per se. ~~The legislative body in the ordinance adopted~~  
8        ~~pursuant to this act~~  
9        (2) **A CITY OR VILLAGE ZONING ORDINANCE** shall designate the

1 proper officials whose duty it is to administer and enforce the  
2 ordinance. ~~and~~

3 (3) A CITY OR VILLAGE ZONING ORDINANCE SHALL do 1 of the  
4 following for each violation of the ordinance:

5 (a) Impose a penalty for the violation.

6 (b) Designate the violation as a municipal civil infraction  
7 and impose a civil fine for the violation.

8 (c) Designate the violation as a blight violation and impose a  
9 civil fine or other sanction authorized by law if the city  
10 establishes an administrative hearings bureau pursuant to statute  
11 to adjudicate and impose sanctions for blight violations.

12 (4) FOR THE PURPOSES OF SUBSECTION (3), A PERSON IS NOT LIABLE  
13 FOR A VIOLATION OF A ZONING ORDINANCE OCCURRING BEFORE THE THIRTY-  
14 FIRST DAY AFTER THE PERSON RECEIVES WRITTEN NOTICE OF THE VIOLATION  
15 FROM AN OFFICIAL ENFORCING THE ZONING ORDINANCE. THE NOTICE SHALL  
16 SPECIFICALLY DESCRIBE THE VIOLATION AND INFORM THE PERSON OF THE  
17 30-DAY GRACE PERIOD PROVIDED BY THIS SUBSECTION. THE NOTICE SHALL  
18 BE DELIVERED IN PERSON OR BY REGISTERED MAIL, RETURN RECEIPT  
19 REQUESTED.

20 (5) THE FINE FOR A VIOLATION OF A ZONING ORDINANCE SHALL NOT  
21 EXCEED THE LESSER OF THE FOLLOWING:

22 (A) FIVE HUNDRED DOLLARS. THIS SUBDIVISION APPLIES ONLY TO A  
23 CRIMINAL FINE.

24 (B) TWO HUNDRED FIFTY DOLLARS FOR EACH DAY OF VIOLATION.

25 (C) THREE PERCENT OF THE STATE EQUALIZED VALUE OF THE  
26 PROPERTY.